

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ELEAZAR VASQUEZ,

Plaintiff,

VS.

BRAD LIVINGSTON, *et al*,

Defendants.

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CIVIL ACTION NO. 2:13-CV-00131

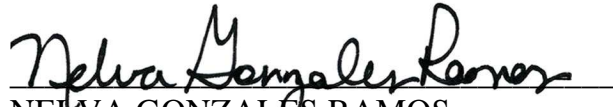
**ORDER ADOPTING PROPOSED  
FINDINGS OF FACT AND RECOMMENDATION**

By Order entered May 5, 2014, the United States Court of Appeals for the Fifth Circuit remanded this case to this Court to determine in the first instance whether appellant, a *pro se* prisoner, placed his application to proceed *in forma pauperis* in the prison mail system on or before October 11, 2013. D.E. 25. On June 25, 2014, United States Magistrate Judge Jason B. Libby issued his “Proposed Findings of Fact and Recommendation” (D.E. 31). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the proposed findings of fact and conclusions of law set forth in the Magistrate Judge's Recommendation (D.E. 31), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings of fact and conclusions of the Magistrate Judge. Accordingly, the Court finds that Plaintiff did place his application to proceed *in forma pauperis* in the prison mail system on or before October 11, 2013. The Clerk is instructed to forward this Order, along with the Magistrate Judge's Recommendation (D.E. 31) to the Clerk of the United States Court of Appeals for the Fifth Circuit as a response to its Order (D.E. 25).

ORDERED this 11th day of July, 2014.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE